

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROBINSON PERALTA,

Plaintiff,

-against-

23 **CIVIL** 10785 (JMF)

JUDGMENT

CITY OF NEW YORK et al.,

Defendants.
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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated April 18, 2024, Plaintiff's complaint is dismissed in its entirety. More specifically: Plaintiff's claims against the City of New York, filed IFP under 28 U.S.C. § 1915(a)(1), are dismissed on res judicata grounds. See 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's claims against Salcedo and Wynne under 42 U.S.C. § 14141 and 18 U.S.C. § 242 are dismissed for failure to state a claim on which relief may be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's claims against Salcedo and Wynne under 42 U.S.C. § 1983 are dismissed as untimely. 28 U.S.C. § 1915(e)(2)(B)(ii). The Court has declined to sua sponte grant Plaintiff leave to amend these claims on the grounds of futility. See *Chepilko v. Cigna Life Ins. Co.*, 952 F. Supp. 2d 629, 633 (S.D.N.Y. 2013) (denying leave to amend where "there is nothing in the plaintiff's filing that suggests that there is any basis to avoid dismissal of the complaint on the grounds that it is barred by the statute of limitations"). The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from the order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York

April 19, 2024

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk